

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

Applicants wish to thank the examiner for the courtesy extended to Applicants' representative during a telephone interview conducted on August 19, 2010. The participants were Examiner Abdulla Riyami and David Ward, Reg. No. 45198.

Claims 8-14 have been amended in the manner agreed to during the interview for overcoming the rejections applied in the pending Office Action. Support for the amendments of claims 8-14 is provided for example in Applicants' Figs. 2 and 4. (It should be noted that references herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Claim 14 was rejected, under 35 USC §102(e), as being anticipated by Blakeney II et al. (US 2006/0239363). Claims 8, 10, and 11 were rejected, under 35 USC §103(a), as being unpatentable over Blakeney in view of Bruhn (US 6,452,941). Claim 9 was rejected, under 35 USC §103(a), as being unpatentable over Blakeney in view of Bruhn and Bakshi (US 6,457,054). Claims 12 and 13 were rejected, under 35 USC §103(a), as being unpatentable over Blakeney in view of Bruhn and Melick et al. (US 7,376,194). To the extent that these rejections may be deemed applicable to the amended claims, the Applicants respectfully traverse as follows.

Claim 8 now defines a communication apparatus that establishes a next link, when information data is transmitted, by transmitting a next link establishment request and transmits the next link establishment request for transmission of next information data before termination

of the link for transmitting current information data. The current information data and the next information data are originally continuous.

During the telephone interview, the examiner agreed that the applied references do not disclose this subject matter for the reasons discussed during the interview and summarized below.

With regard to current information data and next information data that are originally continuous, Blakeney discloses changing the data rate of a link to improve the reception quality or throughput of such continuous data in accordance with a varying propagation channel (see Blakeney paragraph [0072]). However, Blakeney does not disclose establishing a different or new link (i.e., a next link, as now recited in claim 8) for the conveyance of the originally continuous data when the data rate is changed; instead, Blakeney discloses that the same link continues to be used.

Bruhn discloses, in Fig. 6, that a base station transmits, within a frame  $n$ , a mode request (MR) that informs a mobile station of a particular codec mode that is desired by the base station for receiving subsequent data frames or blocks transmitted by the mobile station (see Bruhn col. 4, lines 11-13, and col. 8, lines 63-66). Bruhn also discloses that the base station transmits a mode indicator (MI), in a frame  $n+1$ , to inform the mobile station of the combination of speech coding and channel coding used by the base station to encode payload information within the current and subsequent communication frames (see Bruhn col. 4, lines 8-11, and col. 9, lines 6-10).

However, Bruhn does not disclose that the communication of either the MR or MI leads to the establishment of a next link, as does the claimed next link establishment request.

Accordingly, the Applicants submit that the teachings of Blakeney and Bruhn, even if combined as proposed in the Office Action, still would lack the above-noted features of claim 8 and thus these references, considered individually or in combination, do not render obvious the subject matter now defined by claim 8. Independent claim 14 similarly recites the above-mentioned subject matter distinguishing apparatus claim 8 from the applied references, but with respect to a method. Therefore, allowance of claims 8 and 14 and all claims dependent therefrom is warranted.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

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